

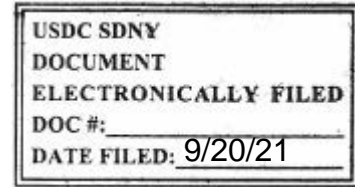
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Osama Ahmed Abdellatif El Mokadem,

Defendant.



19-cr-646 (AJN)

ALISON J. NATHAN, District Judge:

The Court received the attached letter via email from Defendant. The letter requests the appointment of counsel, indicates a potential desire to withdraw the guilty plea, and requests an adjournment of the surrender date. The Court hereby appoints the Federal Defenders of New York, Inc. to represent Mr. El Mokadem. *See* Dkt. No. 3 (financial affidavit). The Court denies the request to adjourn the surrender date with leave for application to be made by defense counsel.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. El Mokadem. The Court will transmit a copy of this Order to the Federal Defenders.

SO ORDERED.

Dated: September 20, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge

Armin De Goorte
236 W 15th Street, Apartment 65
New York, NY 10011
Phone: 917-330-0955

September 15, 2021

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. El Mokadem, a/k/a “Armin De Goorte,” S1 19 Cr. 646 (AJN)

Dear Judge Nathan:

I am the defendant Armin De Goorte, in the above-captioned matter. English is not my first language and I have had many misunderstandings in this process, so I am writing this letter with the help of my wife, Heather Dickerson, who is a native English speaker and American. Since my sentencing on March 1, 2021, my wife and I have been working with an immigration attorney to file my green card application to gain citizenship. I currently have legal status and authorization to work in the United States (Attachment A), and we had our interview with the USCIS on August 25, 2021 (Attachment B).

Despite my legal status in the country, I learned from my immigration attorney that I will be deported at the end of my prison term. This came as a complete shock to me. After I was detained in January 2020, my criminal lawyer came to me with a plea deal. I said I did not want to plea, but he said if I wanted to go to trial it would cost an additional fee on top of his original

retainer which was paid in full. I said that I did not have the money, and he said signing the plea would be the fastest way to get out of this detention. I still had concerns because I saw the word immigration. He said the language was a just a formality and the judge would repeat this, but that I could just file a waiver and people convicted in New York do not get deported because it is a liberal state. He misadvises me to make me plead guilty. I have lived in New York for 16 years and have made the United States my home. I would never have pleaded guilty if I knew that I would be deported.

I tried to hire a lawyer to withdraw my plea or file a 2255, but it was too expensive. The lawyers I talked to though showed me that I have merits, the Supreme Court case *Lee v. United States*, 137 S. Ct. 1958 (2017) and others. I want to file a 2255 but I can't afford to hire a new lawyer (Attachment C). Please your honor, appoint a public defender to represent me to withdraw my plea because my other lawyer gave me bad advice.

Also, in order to pursue this motion, I respectfully ask that my surrender be delayed. It is currently scheduled for October 1, 2021, at an ICE facility located more than 800 miles from New York City.

Most sincerely,

Armin De Goorte

Attachment A

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
New York City Field Office
26 Federal Plaza, 7th Floor
New York, NY 10278

HAND DELIVERED AT INTERVIEW



**U.S. Citizenship
and Immigration
Services**

8/25/2021

Armin De Goorte
236 West 15th Street Apt 65
New York, NY 10011
A219656440

Interviewing Officer: ISO Duvall
Form Type: I-485

NOTICE OF INTERVIEW RESULTS

You have just completed your interview. USCIS is unable to complete your case at this time. Your case is being continued until a final decision can be made. Please see below for further explanation.

REASON FOR CONTINUANCE

- ☒ Your case is being held for review. At this time, USCIS does not require any further information or documents from you. Should further information or documents be required, you will receive a notice in the mail. We may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.
- ☐ Your I-485 interview is complete. However, your priority date is not current at this time. Your case will be transferred to the Texas Service Center (TSC) or National Benefits Center until your priority date becomes current. Once your priority date becomes current, the TSC or NBC will make the final decision on your case.
- ☐ Your case is being transferred to the USCIS office servicing your new address. Should further information or documents be required, you will receive a notice in the mail. USCIS may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.

For additional information, you can use our many online tools (uscis.gov/tools). If you are not able to find the information you need online, you may reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter. Please allow for no less than 120 days before making a status inquiry on your case. If your case was transferred to the TSC or NBC to wait for your priority date to become current, please allow for no less than 120 days after your priority date becomes current before making a status inquiry on your case.

If you change your address, you must file Form AR-11. Form AR-11 information and filing instructions may be obtained from the USCIS website at www.uscis.gov/addresschange.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Quintana".

Susan Quintana
Field Office Director
New York City Field Office

cc: Cho, M. Esq

Attachment B

THE UNITED STATES OF AMERICA**I-797 | NOTICE OF ACTION |** DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

| | | |
|---------------------------------|----------------------|--|
| Receipt Number MSC2190309467 | USCIS Account Number | Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION |
| Received Date 10/30/2020 | Priority Date | Applicant - A219 656 440 ARMIN DE GOORTE |
| Notice Date 07/30/2021 | Page 2 of 2 | |

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

National Benefits Center
U. S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter



THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES



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| Notice Date 07/30/2021 | Page 1 of 2 | |

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|---|---|
| ARMIN DE GOORTE 236 W 15TH APT 65 NEW YORK NY 10011 | Notice Type: Approval Notice Class: C09P Valid from 07/30/2021 to 07/29/2023 |
|---|---|

We have approved your application for employment authorization and advance parole based on your pending Form I-485, Application to Register Permanent Residence or Adjust Status. We will send your Employment Authorization Document (also known as an EAD card or Form I-766) to you separately. The EAD card will have an I-512 endorsement on it, which indicates that you have been approved for advance parole.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected.
- Your EAD card.
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If the I-765 was approved for you as a student requesting Optional Practical Training (OPT): Please note that your EAD and your OPT employment authorization will be automatically terminated if you change educational program levels or transfer to another school. Working in the United States without authorization may result in your removal from the United States or denial of re-entry, and remaining in the United States without maintaining status may result in accruing unlawful presence. Consult your Designated School Official for additional details.

Advanced Parole

The I-512 endorsement on your EAD card is proof that, while your Form I-485 is pending, you may travel abroad without abandoning your Form I-485. Show your unexpired EAD card with the I-512 endorsement to the ship or airline, and it can let you on board to travel to the United States. As long as your EAD card has not expired, you may use it multiple times to request parole into the United States. U.S. Customs and Border Protection (CBP) can parole you into the U.S. for up to one (1) year.

Before you leave the United States, please note the following information:

- Parole into the United States is not guaranteed. In all cases, a CBP officer must still inspect you at a port of entry to determine whether you are eligible to come into the United States according to the terms of this advance parole. Even though USCIS approved your advance parole, CBP may still refuse to parole you into the United States.
- Parole into the United States is not an "admission" into the U.S. If we deny your Form I-485, you may be subject to removal proceedings for being inadmissible to the U.S.
- Unlawful Presence. If you leave the United States after being unlawfully present in the United States, you may be barred from admission even if you obtained advance parole. If you were unlawfully present in the United States for more than 180 days but less than one year and you leave the U.S. voluntarily before the start of removal proceedings, you are inadmissible for three years; if you were unlawfully present for one year or more, you are inadmissible for ten years.

If you have concerns about how traveling abroad with your EAD card may affect your legal rights, admissibility, or waivers, you should contact an immigration attorney or an immigrant assistance organization accredited by the Board of Immigration Appeals before making foreign travel plans.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

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| National Benefits Center U. S. CITIZENSHIP & IMMIGRATION SVC P.O. Box 648003 Lee's Summit MO 64002 USCIS Contact Center: www.uscis.gov/contactcenter | |
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Attachment C

